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of Arizona, LLC and Swift Leasing Co., LLC*

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION**

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| <p>FABIAN GONZALEZ, Plaintiff, vs. SWIFT TRANSPORTATION CO. OF ARIZONA, LLC, an Arizona corporation, SWIFT LEASING CO., LLC, an Arizona corporation, JOEL ROCHA, an individual, and DOES 1-10 INCLUSIVE, Defendants.</p> | <p>DEFENDANTS SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND SWIFT LEASING CO., LLC'S NOTICE OF REMOVAL Case No. <u>2:18-cv-00777-PMW</u> Judge <u>Paul M. Warner</u></p> |
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Pursuant to [28 U.S.C. §§ 1441 and 1446](#), Defendants Swift Transportation Co. of Arizona, LLC and Swift Leasing Co., LLC (collectively “Defendants”), by and through counsel, hereby give NOTICE OF REMOVAL of the civil action pending against them in the Third Judicial District Court in and for Salt Lake County, State of Utah, *Fabian Gonzalez v. Swift*

Transportation Co. of Arizona, LLC, et al., Case No. 180906595, to this Court. The grounds for removal are as follows:

1. This action was commenced by the filing of a Complaint in the Third Judicial District Court in and for Salt Lake County, State of Utah on September 11, 2018. A copy of this Complaint is attached as Exhibit A.

2. Pursuant to [28 U.S.C. § 1332\(a\)](#), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, and is between – (1) citizens of different States.”

3. Based on the Amended Complaint, Plaintiff has alleged:

- a. He is a citizen of Utah (¶ 1 of Complaint),
- b. Defendant Swift Transportation Co. of Arizona, LLC is a citizen of Arizona (¶ 2),
- c. Defendant Swift Leasing Co., LLC is a citizen of Arizona (¶ 3),
- d. Defendant Joel Rocha is a citizen of California (¶ 6).

4. Plaintiff has not alleged that any defendants are citizens of Utah. Thus, there is diversity of citizenship as required by [28 U.S.C. § 1332\(a\)](#).

5. The amount in controversy exceeds \$75,000 because Plaintiffs filed the Complaint under Tier 3 case in Third District Court, which is reserved for cases in excess of \$300,000 pursuant to [Utah R. Civ. P. 26\(c\)\(5\)](#).

6. Based on the alleged injury and diversity between defendants, this Court has original jurisdiction of the above-entitled action pursuant to [28 U.S.C. § 1332](#) and this action may be removed to this Court pursuant to [28 U.S.C. § 1441](#).

7. Removal of this action is timely. Less than thirty (30) days have elapsed since Defendants first received the Complaint.

8. Written notice of this removal is being served on counsel for Plaintiff today.

9. A true and correct copy of this Notice of Removal is being filed today with the Clerk of the Third Judicial District Court, in and for Salt Lake County, State of Utah.

WHEREFORE, Defendants hereby submit notice that the above-entitled matter is removed from the Third Judicial District Court in and for Salt Lake County, State of Utah, to the United States District Court for the State of Utah, Central Division, in accordance with the provisions of [28 U.S.C. § 1446](#).

DATED this 4th day of October, 2018.

SNOW CHRISTENSEN & MARTINEAU

/s/ Scott Young
Andrew M. Morse
Scott Young
Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of October, 2018, I electronically filed the foregoing **DEFENDANTS SWIFT TRANSPORTATION CO. OF ARIZONA, LLC AND SWIFT LEASING CO., LLC'S NOTICE OF REMOVAL** with the Clerk of the Court using the Green Filing system, which sent notification of such filing to counsel of record, as follows:

Joseph Jardine
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Attorneys for Plaintiff

/s/ **Kathy Pickett** _____

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